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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,730

09/05/2003

Naim Istephanous

P-10524.00

4768

7590 03/13/2008  
Kenneth J. Collier  
Medtronic, Inc.  
710 Medtronic Parkway N.E.  
Minneapolis, MN 55432

EXAMINER

YARNALL, MEGAN LEIGH

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

03/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,730	<b>Applicant(s)</b> ISTEPHANOUS ET AL.	
	<b>Examiner</b> MEGAN YARNALL	<b>Art Unit</b> 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10/15/2007. An amendment to the specification was filed concurrently therewith. Claims 13-22 are currently pending for consideration. Claims 13 and 17 were amended.

### ***Response to Arguments***

2. Applicant's arguments filed 10/15/2007 have been fully considered but they are not persuasive. Applicant argues that the new limitation including a navigation pad, drug storing reservoir, interlocking pad, or fastening pad in amended claims 13 and 17 are not disclosed or taught in the cited references. However, Weaver discloses both a navigation pad (col.3, ll.26-40) and drug-storing reservoirs (pores in fig.3 and col.5, ll.56.-64).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al. 6,641,776 in view of either Tomonto 6,264,687 or Schwartz et al. 5,443,496.

5. Weaver discloses a method for making a metal stent comprising compounding a mixture comprising at least one metal alloy and at least one polymer binder, molding the mixture to form a composite structure comprising a strut member and a supporting member, wherein the strut member comprises at least one navigation pad for exhibiting a distinctive radiological image, wherein the navigation pad is integrally coupled to the strut member (col.3, ll.26-40) or a drug storing reservoir wherein the reservoir is integrally coupled to the strut member (pores in fig.3 and col.5, ll.56-64), removing the binder from the composite structure, and sintering the composite structure (col.2, ll.1-20).

6. Weaver describes the method referring principally to the embodiment disclosed in Patent No. 5972027, however, states that the invention is not limited to the preferred embodiments but may cover various modification and equivalent arrangements. Each of Schwartz et al and Tomonto teaches fabrication of a stent from individual segments which are then interconnected to form a unitary device. Advantages of these types of stents are known in the art including better flexibility and conformity for complex body passageways. To make a plurality of adjacent stent segments by the process of Weaver and connecting the adjacent segments together on a mandrel by a flexible fastening means to yield a unitary stent that has flexibility and conformity properties that better compliment complex body passageways would have been obvious to one with ordinary skill in the art from the teachings of either of Tomonto or Schwartz et al.

7. Re claims 15, 16, 18, 19, 21 and 22, see column 5, lines 1+.

8. Re claims 14 and 20, see column 1, lines 35+ and column 4.

***Conclusion***

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEGAN YARNALL whose telephone number is (571)270-3071. The examiner can normally be reached on Monday-Friday 7:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./

Examiner, Art Unit 3738  
2/25/2008

/Corrine M McDermott/  
Supervisory Patent Examiner, Art Unit 3738